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### Innovate, Collaborate & Serve: Louisiana's "LIFT" – A Legal Incubator and Accelerator Program Startup Guide

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# INNOVATE, COLLABORATE, & SERVE: LOUISIANA'S "LIFT" - A LEGAL INCUBATOR AND ACCELERATOR PROGRAM STARTUP GUIDE

AMY DUNCAN\*

## I.

### INTRODUCTION

Legal Innovators for Tomorrow (LIFT) is the first legal incubator program of its kind in Louisiana. It is, however, only one of many such program initiatives taking place across the nation<sup>1</sup> designed to address two issues. The first is the lack of access that low and moderate income persons have to affordable legal services, and, second, to assist recent law grads in a challenging economic state. Many of these recent grads are forced to strike out on their own as solo practitioners due to the difficult job market. The LIFT program, operated by the Louisiana Civil Justice Center,<sup>2</sup> in collaboration with the Louisiana State Bar Association (LSBA), provides the participating attorneys with the resources and educational tools they need to build viable, sustainable law firms.

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<sup>1</sup> Replicable models of successful incubator programs exist in areas across the country. For instance, the Modest Means Incubator Program run by the CA Lawyers for the Arts at Berkley focuses on helping the low-income creative arts and innovators community. The Justice Entrepreneurs Project run by the Chicago Bar Foundation focuses on developing new firm models to enable providing lower cost legal services for reduced-means clients of all types. See ABA INCUBATOR/RESIDENCY PROGRAM PROFILES, [http://www.americanbar.org/groups/delivery\\_legal\\_services/initiatives\\_awards/program\\_main/program\\_profiles.html](http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main/program_profiles.html). (last visited Mar. 8, 2015).

<sup>2</sup> Louisiana Civil Justice Center (LCJC) is a 501(c)(3) non-profit organization that provides legal services to low-income, elderly, and disaster-affected persons in Louisiana.

Launched in April 2014, LIFT began with four active fellows<sup>3</sup> and eight practitioner network participants.<sup>4</sup> Each of the LIFT fellows has a solo practice focused on innovative methods for delivering legal services to at-need populations. James Graham's law firm, for instance, focuses on building partnerships with healthcare service providers in order to address health-harming legal needs that disproportionately affect low-income persons. Robyn R. Griffin's firm works closely with medical providers and educators to ensure every child with mental or physical disabilities has access to the resources she needs to better manage her disability and enjoy a happy and healthy life. Nicholas Hite opened Hite Law Group to improve access to justice and high quality legal counsel for all clients regardless of income, with a particular focus on serving the unique needs of the LGBT community. Finally, Betty Maury's law practice works closely with her clients to provide flat fees and reasonable repayment plans to ensure that families in Greater New Orleans and surrounding areas can obtain the legal representation and services they need.

Although these attorneys, their goals, and their practice areas all appear distinct, they share many similarities. All have fewer than five years of experience in the legal profession. All possess an entrepreneurial spirit which has driven them to open their own law firms. All have taken a passion for serving modest means clients and built a practice focused on providing legal representation to clients who do not qualify for free legal aid, but who still cannot afford legal representation at traditional market rates. Moreover, each has an innovative vision for providing those services. Possibly most important, these attorneys are each experiencing the process of beginning and nurturing their practices in a collaborative working environment that provides the support and resources that are critical to developing a viable and thriving legal practice.

Centrally, this paper will describe the LIFT legal incubator program in detail, with an eye toward providing insight for other organizations interested in creating their own incubator program.<sup>5</sup> This

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<sup>3</sup> We refer to LIFT participants as fellows due to the collegial and collaborative working environment and because of their pursuit of mutual knowledge for building a sustainable law practice.

<sup>4</sup> This year the program is expanding out of the Greater New Orleans area into Baton Rouge and Shreveport. We will add up to ten new participating fellows each year and thus will have a total of 20 participants at any given time.

<sup>5</sup> The end of this paper contains a checklist to further assist those interested in creating an incubator program. Obviously, the tasks associated with building such a model will depend upon the type of program the operating organization is interested in developing and the organization's access to the services and resources it intends to offer its participating attorneys.

paper will also highlight the social issues the program is intended to address, the process and steps associated with implementation of the incubator model, the resulting structure of the program, and the impact the program has had on the community for which it is intended to serve. As the program remains in active development, it also functions as a pilot program for similar incubator programs throughout the state of Louisiana.

Additionally, this paper will highlight the specific concerns precipitating the need for such a program in Louisiana, including the especially poor access to justice in poverty-stricken areas and the challenging job market young attorneys are facing. This paper will outline the means through which LIFT addresses those issues by utilizing the incubator model to create a collaborative environment for young attorneys who want to provide legal services to clients with limited financial means. It cannot be over-stressed that this environment is key to the successful incubator model. The strength and progress of the LIFT program is rooted not only in the goals it was designed to accomplish, but also very much in the passion of the attorneys involved.

## II.

### WHY LOUISIANA NEEDS LEGAL INCUBATOR PROGRAMS

Across Louisiana it is estimated that only about 20% of those in need of legal services are able to access assistance from a legal aid or pro bono organization.<sup>6</sup> This leaves 80% of those in need of legal services unable to secure representation or assistance on issues that could significantly impact their children, families, and financial security.<sup>7</sup> The reasons for the lack of access to legal representation for low-income residents in Louisiana are many including the fact that Louisiana's state government provides no funding to Legal Services Corporations and the federal government continues to cut funding to the national Legal Services Corporation affecting legal aid providers across the country. Regardless, Louisiana residents are still in need of legal services.

While we have a staggering poverty rate (19.1% of Louisiana residents are below the poverty line, which is almost 25% higher than the national average<sup>8</sup>), Louisiana's largest population actually consists

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<sup>6</sup> *Interview with Jonathan Rhodes, PROJECTS COUNSEL FOR LSBA ACCESS TO JUSTICE DEPARTMENT* (March 31, 2015).

<sup>7</sup> *Id.*

<sup>8</sup> *Louisiana State and County Quickfacts*, U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE (2013), <http://quickfacts.census.gov/qfd/states/22000.html> (last visited Mar. 8, 2015) (showing "Persons below poverty level, percent, 2009-2013"). These statistics are far

of middle-income families with a median household income of \$44,874. These figures suggest that the majority of residents are low-to-moderate income working people who fall slightly above the financial eligibility requirements for free legal aid because they earn too much, and yet still cannot afford representation. As this gap in access to legal services continues to grow, Louisiana is in need of a legal assistance program that can effectively reach greater numbers of those in need.

At the same time that low-to-moderate income persons are having difficulty obtaining affordable legal services, recent law grads are facing a challenging job market. According to the American Bar Association, the number of law school graduates increased from 2012 to 2013.<sup>9</sup> However, there was no such growth in the number of legal jobs nationwide and Louisiana is no exception.<sup>10</sup> In 2013, Louisiana graduated more than 900 law school students from the four ABA accredited law schools in the state,<sup>11</sup> yet there was only approximately one traditional law job opening for every four students.<sup>12</sup> Although there has been a decline in the number of law school applicants since 2010,<sup>13</sup> the legal job market is still not proportionately supplying the number of traditional law firm jobs to match the number of law school grads.

Some newly graduated lawyers have avoided this disparity entirely by seeking out nontraditional careers that will still allow them to utilize their legal education. In the alternative, many are facing a lack of employment opportunities head-on by striking out on their

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worse in Orleans Parish where the poverty level is 27.3% and median household income is \$37, 146, *Orleans Parish, Louisiana, State and County Quickfacts*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/22/22071.html> (last visited Mar. 8, 2015).

<sup>9</sup> See 2013 *Law Graduate Employment Data* (showing an increase in the number of graduates from 2012 to 2013), available at [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/statistics/2013\\_law\\_graduate\\_employment\\_data.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2013_law_graduate_employment_data.authcheckdam.pdf).

<sup>10</sup> Debra Weiss, *Legal Industry Loses Jobs for a Second Month in a Row*, ABA JOURNAL.COM (December 9, 2013), available at [http://www.abajournal.com/news/article/legal\\_industry\\_loses\\_jobs\\_for\\_second\\_month\\_in\\_a\\_row/](http://www.abajournal.com/news/article/legal_industry_loses_jobs_for_second_month_in_a_row/). See also [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/statistics/2013\\_law\\_graduate\\_employment\\_data.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2013_law_graduate_employment_data.authcheckdam.pdf) (showing only 57% of law grads having obtained full-time employment positions).

<sup>11</sup> *Law Graduate Overproduction*, LAW SCHOOL TUITION BUBBLE.WORDPRESS.COM, available at <http://lawschooltuitionbubble.wordpress.com/original-research-updated/law-graduate-overproduction/> (last visited Mar. 20, 2015).

<sup>12</sup> Joshua Wright, EMSI, *The Oversaturated Job Market for Lawyers Continues, and On-The-Side Work Grows* (January 10, 2014), <http://www.economicmodeling.com/2014/01/10/the-oversaturated-job-market-for-lawyers-continues/>.

<sup>13</sup> Karen Sloan, *Law School Enrollment Continues Historic Decline*, NAT'L LAW JOURNAL (Dec. 16, 2014), <http://www.nationallawjournal.com/id=1202679988741/Law-School-Enrollment-Continues-Historic-Decline?slreturn=20150228172708>.

own as solo practitioners.<sup>14</sup> These newly-minted attorneys are in dire need of practical, hands-on experience in order to close the gap between the predominantly theoretical law school curriculum and the practical skills needed to be a successful legal practitioner. However, with mounting student loans of the cost of living, these young attorneys often cannot afford to pay for additional legal training or to hire help. Thus, there is a strong need for incubator programs like LIFT.

### III. IMPLEMENTING LIFT

Recognizing these issues from thousands of day-to-day interactions with the public, through its free legal hotline and free community legal clinics, the Louisiana Civil Justice Center (LCJC) began devising plans to implement what would become known as LIFT. LCJC determined that it was in an especially good position to operate the incubator program due to its close partnerships with the Louisiana State Bar Association, various community outreach organizations, and LCJC's access to resources, including continuing legal education events and law practice management training. Additionally, LCJC is a statewide organization that receives more than 10,000 calls each year from Louisiana residents seeking legal assistance. These calls provide a valuable client-base to provide the incubator program's attorneys with pro bono and low bono case referrals. Thus, with direct knowledge of the needs of the population, and access to the resources needed by newly minted attorneys, LCJC was poised to initiate the necessary steps in developing a successful incubator program.

Developing and implementing the LIFT pilot program required execution of a number of steps. The following sections outline the process undertaken to implement the program. It should be noted, however, that the process taken by other organizations looking to implement a similar program may differ and will depend on a variety of circumstances, such as whether the organization plans to develop an incubator program or a residency, as well as the resources and training the sponsoring body has available.

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<sup>14</sup> *Law School Solo Practice Incubators and Legal Residency Programs*, HANOVER.COM 2 (July 2012) (quoting *ABA Serves Solo and Small-Firm Lawyers With New Online Resource Center*, AMER. BAR ASSOC. (Jan. 19, 2012), available at [http://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/Is\\_sclaid\\_hanover\\_report.authocheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/Is_sclaid_hanover_report.authocheckdam.pdf) (last visited Aug. 6, 2015)).

### A. Step 1: Identifying the Need

Part of the mission of LIFT is to *serve* the unmet legal needs of the community through facilitation of pro bono and low bono<sup>15</sup> legal representation. In order to do so, LCJC had to first identify what major legal issues the residents of Louisiana were currently facing and whether the program would, through its participants, be able to serve the legal needs that were unmet. LCJC first looked at New Orleans, the city in which the program was launched, and then statewide.

At a general level, LCJC was in a good position to determine both the existence and the nature of those needs due to LCJC's direct connection with Louisiana residents. We were able to identify the needs of the community based on the number of callers in need of legal representation who were not eligible for free legal aid, either because their income was above the federal poverty line, they were conflicted out of receiving free legal services, the legal issue was outside the scope of what legal aid could offer, or legal aid was simply working over capacity and could not provide representation due to lack of funding.

Additionally, LCJC's network of partner organization provided additional information regarding the need for legal representation, specifically in Orleans Parish. For instance, the New Orleans Family Justice Center, a partnership of agencies that provides holistic services to survivors of domestic violence, had a need for attorneys to represent the survivors in various legal actions.<sup>16</sup> Additionally, Louisiana Appleseed, an organization that pushes for change at the policy and systemic level, recently published an extensive white paper highlighting the injustices of debtors in third-party debt collection cases and their need for legal representation. Lastly, the Justice and Accountability Center (JAC) of Louisiana, an organization that tackles deficiencies in the post-conviction phase of the criminal justice system,<sup>17</sup> has a program to help Louisiana residents determine if they are eligible for expungement. JAC brings together attorneys and advo-

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<sup>15</sup> Low Bono is a term used synonymously with the practice of providing reduced rate legal services. See Luz E. Herrera, *Encouraging the Development of "Low Bono" Law Practices*, 14 U. MD. L.J. RACE, RELIG. GENDER & CLASS 2-3 (2014), available at <http://digitalcommons.law.umaryland.edu/trgc/vol14/iss1/2>. Types of reduced rate can include a sliding fee schedule based on income, flat fees, or unbundled legal services. However, the meaning of reduced is typically subjective as viewed from the client's perspective of what they can afford as well as the lawyer's perspective in what they can charge and keep their lights on.

<sup>16</sup> See *infra* III D.

<sup>17</sup> See *Mission & Core Values*, JUST. AND ACCOUNTABILITY CTR., <http://www.jaclouisiana.org/#!/mission—core-values/c22jk> (last visited Mar. 31, 2015).

cates offering assistance and legal representation to those seeking expungement services.

On the other end of the spectrum, LCJC was distinctly aware of the employment issues new attorneys were facing after graduating law school and passing the bar exam due to its close relationship with the state bar association. Based on the needs of the community, partner organizations, and the legal profession, building a legal incubator program could provide a unique solution.

### *B. Step 2: Creating an Advisory Board*

One of the more crucial steps in starting LIFT was forming an advisory board. The idea in creating the board was to bring a group of leaders in the legal profession together to carry out the mission of the program and provide *innovative* ideas to the program and legal profession. We knew that in order to achieve this goal, all members must both understand and be committed to the incubator's mission to increase access to legal representation and decrease the justice gap by providing new attorneys the resources and support to build cost effective and social-justice-focused law firms.

The initial board was comprised of: 1) attorneys with five to ten years experience who had built successful and innovative solo and small law practices, 2) founders of non-profit organizations, and 3) law professors. The experienced practicing attorneys were chosen for their understanding of the needs of new attorneys, as they had recently gone through the process and possessed the experience gained from that process. This was an important consideration, being that the board would also serve as mentors to the future LIFT fellows.

The board members brought a wide variety of expertise in different areas of law, technology, and business, all of which would be key components contributing to the future success of the LIFT program. Each member brought a unique perspective that affected the development of the program, such as how the application process should proceed and whether applicants would be required to submit a business plan. Many of the members had personal, in-depth knowledge of what it would take to build a successful solo practice. This combination of diverse skillsets and strengths led to strong contributions from the board during the initial meetings, creating a thoughtful process which eased the later periods of actual implementation of the LIFT program.

As the program evolves, the composition of the board will as well. Having a better grasp of the needs of the incubator lawyers, and being provided resources from various community organizations, we



realized that the board must be comprised of professionals that match these needs and can provide resources. For instance, the attorneys struggle with time and billing management as well as tax preparation and filing. Having a certified public accountant on the board that could donate time and provide free training to the attorneys would be extremely beneficial to the program participants.

Other ideal board members would be from organizations able to provide resources to the program participants. For instance, approximately six months into the start of the program, we formed a partnership with the New Orleans Family Justice Center and Southeast Louisiana Legal Services, the local legal aid service provider, to offer office space and mentorship to the attorneys. In exchange, the attorneys provide pro bono representation to survivors of domestic violence who could not otherwise qualify for free legal aid. Having representatives from each of the organizations on the board would prove beneficial for the program, as they would report on the progress and status of the participants housed at NOFJC.

Tip: Determine what will be expected of board members early on and ensure that you meet and communicate goals with board members on a regular basis. It is extremely difficult to run a program entirely on the shoulders of the program director. Setting expectations early will decrease the likelihood of this happening.

### C. Step 3: Researching Other Incubator/Residency Models

After finalizing the Advisory Board, the next step was to research and analyze other existing legal incubator and residency programs. The legal incubator concept has been around since the 1990s,<sup>18</sup> but didn't really take off until late 2010 and early 2011.<sup>19</sup> So, finding other replicable models was not problematic. We utilized the ABA *Incubator/Residency Program Profiles*<sup>20</sup> and *Directory*,<sup>21</sup> and then created a spreadsheet to illustrate side-by-side comparisons of each program.<sup>22</sup> The differences in each model's substantive design, as well as the ways the basic structure had been adjusted for each program's unique purpose, all tempered by the needs of the community and new attorneys it intended to serve, provided insights in creating LIFT.

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<sup>18</sup> *Incubator for Justice CUNY School of Law, Incubator/Residency Program Profiles*, AM. BAR ASSOC., available at [http://www.americanbar.org/groups/delivery\\_legal\\_services/initiatives\\_awards/program\\_main/program\\_profiles.html](http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main/program_profiles.html) (last visited Oct. 26, 2015).

<sup>19</sup> See *supra* note 14, at 4.

<sup>20</sup> *Incubator/Residency Program Profiles*, AM. BAR ASSOC., available at [http://www.americanbar.org/groups/delivery\\_legal\\_services/initiatives\\_awards/program\\_main/program\\_profiles.html](http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main/program_profiles.html) (last visited Oct. 26, 2015).

<sup>21</sup> *Id.*

<sup>22</sup> On file with the author.

For instance, since one of the main goals is to increase access to affordable legal services, we knew the office had to be accessible to the clients that the attorneys would serve. Here, we were fortunate because the office space donated by NOFJC was located near public transportation in the New Orleans Central Business District and also offered free two hour parking.

Additionally, knowing that the program would encourage the development of low bono practices, we had to be able to provide resources that would keep the attorneys' overhead extremely low during startup. More specifically, we needed to be able to show the participants that they can incorporate technology into their practice to keep overhead low and increase profitability. All of these considerations, along with other similar complexities, required additional research. It also demanded that the goals of the LIFT program be more thoroughly articulated prior to implementation.

In addition to conducting our own research, LCJC reached out to other organizations around the nation who had successfully implemented, or were in the process of implementing, a similar program model. A representative from the Chicago State Bar Association and member of the Justice Entrepreneur Project (JEP) Incubator program provided a variety of ideas on how to initially market such a program to potential interested applicants. At the time, JEP was in the final development stages before implementation. The representative also provided important insights into differing types of incubator models.

However, before determining the structure of the program, a major decision had to be made: would LIFT be a legal incubator program or residency program? Incubators are designed to help recent graduates establish solo and small firm practices in a *collaborative* learning environment that fosters entrepreneurship, similar to the business incubator concept that has been popping up nationwide. These programs foster a collaborative environment for the attorneys, and, in a sense, provide a simulated small law firm working environment. The attorneys share resources and expertise to help each other grow. A residency, on the other hand, is the typical program model chosen by law schools. It offers recent graduates support and on-the-job training while working with experienced practitioners as part of a school affiliated law firm. These legal residencies are analogous to the more established medical residencies.

LCJC and the advisory board determined that the incubator model was better suited for the needs and resources of the LIFT program. Specifically, the considerations were twofold. First, the legal incubator model was a very attractive concept due to its likeness to the widely utilized business incubator structure, which fosters innova-

tive and collaborative working environments. Although the attorneys are providing legal services, the delivery of which is typically viewed as archaic, the intention of LIFT is to assist new attorneys develop new and innovative methods for delivering legal services. Second, financial concerns were a consideration. While residencies are typically operated under the auspices of a law school, with the majority of their funding coming from the law school, incubator programs are somewhat less costly to implement, especially when the infrastructure of a law school is not available. The startup costs appeared to be lower when considering the incubator model.

*D. Step 4: Determining Our Budget and What We Would Offer LIFT Participants*

Once the incubator model was chosen, the next step was to determine exactly what resources we would offer LIFT participants. In making this determination, it was important to consider the resources the sponsoring organization could make available to the participants, the resources the sponsoring organization's network of partners could make available to the participants (donated and shared), and budgetary restrictions. In deciding what LIFT would offer, we first looked to see what other incubator programs offered its participants. Again, the ABA's program directory<sup>23</sup> was a great resource for accomplishing this task because it includes a list of services and resources offered by the incubators already in existence.

Our initial budget was extremely limited. The only startup funds came from LCJC and were used to pay a part-time program coordinator hired to get the program up and running. However, due to LCJC's close partnership with the LSBA and network of community organizations, our ability to provide resources and support to the participating attorneys was disproportionately larger than the small budget suggested.

Based on LCJC's access to resources through the LSBA and its network of partner community organizations, it was determined that the following services and resources would be provided to the participating attorneys:

- A training curriculum that included office startup and law practice management training; basic business training and assistance, specifically in the areas of accounting, marketing, and management for solo practitioners; and procedural and substantive legal training with CLE credits

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<sup>23</sup> *Supra* note 20.

- Mentoring from experienced attorneys
- Networking opportunities with judges and respected solo-practitioners
- Pro bono case referrals
- Opportunities to work in the courts and assist self-represented litigants at LCJC operated self-help desks
- Free case management and legal research database software
- Access to networks through the Louisiana State Bar Association
- Referrals from LCJC, legal aid programs, and partner organizations

The only major expense was office space and supplies. However, LCJC was also able to secure subsidized office space through one of its partner organizations, New Orleans Family Justice Center, a center forming part of the National Family Justice Center Alliance. The Family Justice Center model is designed to bring a multi-disciplinary team under one roof in order to better coordinate services to victims of domestic violence.<sup>24</sup> As previously mentioned, the office space was provided by NOFJC at a very low rate in exchange for a 30-hour time commitment per month per attorney of pro bono legal representation to victims of domestic violence. A “legal network” (comprised of the Family Justice Center, Southeast Louisiana Legal Services, and Catholic Charities Archdiocese of New Orleans) provided the case referrals. The attorneys who occupy the space also receive mentorship, training, and the opportunity to work in a *collaborative* environment with both seasoned and newer attorneys.

Bringing the incubator attorneys into the Family Justice Center model was a seamless integration because the missions of LIFT and NOFJC were complementary. A similar collaboration had already been successfully created between the National Family Justice Center Alliance in San Diego and the attorneys in the Center for Solo Practitioners Incubator Program at the Thomas Jefferson School of Law. The model we created was based on the San Diego model.

### *E. Step 5: The Application Process*

The next step was determining the qualifications and credentials that the potential LIFT Fellows should possess. Based on the purpose of the program, it was essential that each candidate: 1) be a newly admitted attorney and 2) be able to define what social justice means

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<sup>24</sup> *The Family Justice Center Approach*, THE FAMILY JUSTICE CENTER ALLIANCE, <http://www.familyjusticecenter.org/index.php/the-family-justice-center-approach.html> (last visited Mar. 29, 2015).

to them and, 3) within that definition, display an understanding of the disproportionate access to legal representation had by few and needed by many. It was important that each future fellow display an ambitious nature geared towards closing the gap of access to legal services. Yet, these attributes must easily be gleaned from the applicant's resume and the interview.

An even more difficult task was determining how to test the candidate's entrepreneurial skills. Running a solo practice, or any business for that matter, is no simple undertaking. Forbes includes eight skills that every small business entrepreneur must possess in order to be successful: 1) resiliency, 2) focus, 3) invest for the long-term, 4) find and manage people, 5) sell, 6) learn, 7) self-reflection, and 8) self-reliance.<sup>25</sup> Although some of these skills would not be applicable during the initial stages of development, they would all eventually be applicable for the success of each participant's solo practice. The best way in which to get a bird's eye view into the business side of each applicant was to require a brief business plan. By doing so, the Advisory Board was able to determine how serious each candidate was about running their own solo practice and whether the candidate displayed the necessary entrepreneurial skills for success.

It is important to mention the major contrast that appears to exist between the attributes aforementioned. At one end, the applicants had to show a strong desire to help the working poor and serve the community, while at the other end they were required to display a "self-starter business" mentality. The latter is important, as the LIFT program is not designed to run each attorney's solo practice. The success or failure of each fellow's solo practice was dependent upon them. Although the LIFT program would provide the resources and training necessary to start and build the solos, entrepreneurial skills were mandatory for success. Thus we knew, the inaugural class of LIFT Fellows would be unique attorneys, that is, attorneys with entrepreneurial skills who desire to use those skills to help those most in need. And as proof, the program attracted a set of very qualified and business savvy attorneys whose sole focus was to provide affordable legal services.

In sum, the applicants of LIFT were required to meet the following qualifications in order to be eligible to apply:

- 0 – 5 years experience as an attorney

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<sup>25</sup> Aileron Contributor, *The Top Skills Every Entrepreneur Needs*, FORBES (November 26, 2013), available at <http://www.forbes.com/sites/aileron/2013/11/26/the-top-skills-every-entrepreneur-needs/>.

- Passionate about social justice and serving modest means clients
- Innovative ideas for providing legal services
- An entrepreneurial spirit and ambitious about starting their own solo practices

The application process was tailored to measure the qualifications and credentials above. In order to apply, applicants were required to submit a resume, a statement explaining why the applicant wants to be a solo law firm, a statement describing how and to what extent the applicant wants and expects to serve the underrepresented moderate means community, and a short business plan. These documents gave us an idea of who the applicant was, how passionate he or she was about serving the underrepresented community, and the applicant's desire to have their own law practice and ambition to grow that practice.

A total of twenty applications were received. After the LIFT Advisory Board reviewed the applications, they selected six applicants for interviews. From the interview process, four attorneys were chosen to represent the inaugural class of LIFT attorneys: James Graham, Robyn Griffin, Nicholas Hite, and Betty Maury. Each attorney's level of experience and years of practicing law as a solo varied. Ms. Griffin, for example, had formed her law practice in 2012 whereas Nicholas Hite had yet to form his solo practice when chosen. But they all shared a common goal: ensuring that one's ability to obtain legal representation was not solely determined by income.

In April 2015, LIFT opened the application process to its second round of participants. Based on the success of the inaugural class of LIFT participants, we now know that the initial application process provided enough insight to determine the applicant's level of entrepreneurial skills, ambition, and passion for serving low and modest means clients. Thus, we continue to use the aforementioned application process when selecting future participants.<sup>26</sup>

#### *F. Step 6: Implementing the LIFT Practice Network*

In addition to the LIFT program, LCJC implemented the LIFT Practice Network (LPN) to connect aspiring public interest attorneys with the resources, *collaboration*, and trainings they need to build solo practices. LPN is essentially an "Accelerator" program created to accommodate the great many qualified candidates who applied to join

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<sup>26</sup> The LIFT Application and Program Overview is available on our website: *LIFT Incubator and Accelerator Program, Overview*, <http://www.liftincubator.org>. (last visited Oct. 26, 2015).

the inaugural LIFT Fellowship class. We also wanted to encourage the applicants not chosen as LIFT Fellows to continue pursuing their goal to open and operate public interest focused solo practices. Invitations to join the network were sent to all of the attorneys who applied to the LIFT Program. Currently, the program has eight attorneys in the network.

Although the LPN services and opportunities are less customized than LIFT, LPN does provide assistance to public interest-oriented solo practitioners by way of free startup and law practice management trainings as well as reduced rate CLE events. Attorneys in the network also participate in an online forum and receive access to a limited number of resources.<sup>27</sup> If an incubator or residency model is not feasible for a program due to lack of space or funding, developing an accelerator program similar to LPN should be considered.

#### IV. LAUNCHING THE LIFT PROGRAM

LCJC's program goals were straightforward: 1) help the fellows build solo practices that offer affordable legal services, 2) provide the fellows with the tools and resources needed to develop their client base and skill set, and 3) support the fellows' development of innovative methods of delivering legal services. To further these goals, we offer a training curriculum, provide office management resources, foster mentoring and networking opportunities, and build community partnerships that will benefit the participants.

##### *A. Training Curriculum*

The LIFT program offers a wide array of a training curriculum designed to help the LIFT attorneys start and grow their practices as they progress through the program. The curriculum is much more rigorous during the first year when the attorneys are in the startup phase. During the first month, we focused on the ins-and-outs of opening a law practice, including the nuts and bolts of office startup such as hardware and software considerations, as well as ways to incorporate technology into a legal practice early-on to increase efficiency. We addressed the benefits and potential problems related to cloud computing in the first trainings so that the fellows could immediately set up their case management software and manage electronic case files in ways consistent with the rules of confidentiality.

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<sup>27</sup> Resources include sample petitions for family law related issues provided by LCJC and network attorneys, a law practice management guide from the LSBA, and materials from CLE trainings and events.

The focus of the trainings then transitioned into law practice management. The topics covered included everything from handling client communications and fee setting to the intake process and document management. During this time, LIFT also provided classes on Ethics, Professionalism, and Trust Accounting. All of our instructors, many of whom were eager to help new attorneys build their law firms, were either recommended or supplied by the bar association. The timing of the law practice management curriculum benefitted both the LIFT and LPN participants because all of the involved attorneys were taking on initial clients or expanding existing client bases.

The next round of trainings provided an introduction to business planning and the strategies necessary to run a successful law firm. These trainings stemmed from the application process, during which time many of the candidates expressed a strong need for basic business training. A LIFT Advisory Board member provided an overview of entity formation, business strategies, and structuring relationships with other attorneys. The latter was of great significance being that many freshly minted solo practitioners develop relationships with other lawyers and law firms in order to get work. Knowing where the line is drawn between employment and working as an independent contractor as well as the financial setup is very important for the attorneys when making decisions on how to structure these relationships. In addition to the business training, we also partnered with local business development centers that assist entrepreneurs to get the resources they need to start and grow successful businesses.

Finally, through LCJC's close partnership with the LSBA, we developed a coordinated training calendar to offer the LIFT and LPN participants an opportunity to attend free CLE classes, thereby educating the attorneys on the substantive areas of the practice of law. The attorneys receive excellent legal education from experienced attorneys while receiving the CLE credit for their attendance.

Overall, the training program continues to evolve and adapt to the changing needs of the participating attorneys. For instance, going forward we plan to better educate the attorneys on innovative fee structures, such as unbundled, limited scope, and flat fee arrangements. The attorneys have also requested a greater push for marketing and branding development. Lastly, we plan to implement more hands-on and interactive trainings in the areas of case management, accounting, and technology integration.



### B. Resources

A key component of the incubator model is to support fellows by offering free or reduced-rate legal resources. In order to provide low cost legal services, the attorneys have to keep expenses low, especially during the developmental stages so they are able to build cost-efficient legal practices from the beginning to graduation. LIFT focuses on providing the attorneys with resources that will help them offer efficient and innovative high quality legal services. Because the attorneys offer representation at reduced rates, their practices must handle a steady and increasing volume of clients. As a result, fellows require technological solutions that enable them to provide high quality legal services more quickly and efficiently as they develop their skill set.

We were able get the majority of our resources by networking within the incubator community and attending annual incubator conferences. Most resources were provided for free, such as case management software, legal research software, and virtual platforms that allow for online lawyering (also called “e-lawyering”). One incredible resource we received from the conference is a technology guide for solo practitioners<sup>28</sup>. In it, is everything tech a new solo practitioner needs to know when starting a solo firm.

All of the service product providers were very open to offering free or reduced rate services to the network of lawyers most likely for two reasons. First, the companies were very supportive of the legal incubator concept and its goal in closing the justice gap. Second, it is a great marketing opportunity for the company providing the resource. By offering these types of products and services to new attorneys, it allows for a trial run to 1) investigate the product, 2) determine if the product and services offered are a good fit for the attorney’s law practice, and 3) establish if the attorneys would like to purchase the product upon graduating from the incubator program. It’s a win-win for the incubator program and the company supplying the products and services.

### C. Mentoring, Networking, and Community Partnerships

LCJC has also coordinated with local experienced attorneys through outreach programs and other events. These attorneys have graciously provided their time to train, advise, and mentor the newly admitted LIFT attorneys. The LIFT attorneys will also have the

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<sup>28</sup> Andres Hernandez, *Everything a Solo Practitioner Will Need for Their Technology 2015 Edition: A Technology Guide for Solo Practitioners*, WINGMAN LEGAL TECH, (on file with the author and available through Mr. Hernandez at Wingman Legal Tech at <http://wingmanlegaltech.com/about-wingman-legaltech/>).

opportunity to participate in the LSBA's TIP (Transition Into Practice) voluntary mentoring program launched in early 2015. The program matches one mentor with one mentee, allowing more experienced attorneys to share their knowledge with those who are just starting their careers. This provides an excellent opportunity for the LIFT attorneys to interact with leaders in the legal community, many of which have faced the same challenges that the new attorneys will face.

Additionally, through partnerships built with local nonprofit community organizations, we have been able to offer pro bono opportunities to the LIFT and LPN participants during the early stages of the program. These opportunities allow participants to serve the community, sharpen their skills, and build a foundation for long-term client development opportunities. We have offered the participants pro bono opportunities with the Pro Bono Project, Divorce Resource Center (DRC), and Justice and Accountability Center (JAC) for Louisiana. The Pro Bono Project, located in New Orleans, provides free, quality civil legal services to the underserved members of our community. The Project matches clients who meet federal income and asset eligibility requirement with volunteer attorneys.<sup>29</sup> DRC supports women in the Greater New Orleans area as they go through the complex process of divorce. DRC provides tailored resources and supports to its clients, such as referrals to affordable legal representation. JAC tackles deficiencies in the post-conviction phase of the criminal justice system, while creating a supportive collaborative space for attorneys and advocates.

Partnerships with these community organizations have provided a resource for training as well. The attorneys within these organizations have offered their time to assist and mentor many of LIFT and LPN participants. In exchange, the participants have been able to assist these organizations with their ever-growing caseloads. Additionally, this work has provided powerful networking opportunities for the new solo practices. Finally, the increase in community involvement has raised community awareness regarding the LIFT program and the affordable services offered by the fellows. These opportunities build upon the existing professional foundation our attorneys created through active community involvement.

We were also able to work with the local court and a mediation expert/instructor to have the LIFT attorneys participate in the Orleans Parish Civil District Court mediation program. The mediation

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<sup>29</sup> *Who We Help*, THE PRO BONO PROJECT, <http://probono-no.org/who-we-help/> (last visited Aug. 6, 2015).

program is designed to solve the burden placed on unrepresented parties and court staff in family law related issues with less court intervention and expense. The court will appoint mediators who have practiced for a certain number of years and meet the training requirements. The appointed attorneys work on the “Reduced Fee Mediation Sliding Scale” based on the income of the parties.<sup>30</sup> For those interested, LIFT participants were given the opportunity to receive the training and are now eligible for appointment.

## V.

### IMPACT OF LIFT THUS FAR

Thus far, the LIFT program has impacted the practices of the LIFT Fellows and LPN attorneys, and, through them, the community as a whole. Betty Maury, for instance, has not only increased the number of clients her firm represents after joining the LIFT program, but has also implemented repayment plans, sliding scale fee schedules, and now charges flat fees when practicable. These allow her to serve a greater number of previously unrepresented community members. She also now educates other attorneys about innovative fee structures and the applicable ethics rules for attorneys serving modest means clients. Betty recently presented on this topic at the LSBA 8th Annual Solo and Small Firm Conference.

Nicholas Hite, who did not have a law practice when he first applied to LIFT, now has an active practice focusing on representing the underrepresented LGBT community. His law firm is located at the NOFJC where he has provided countless pro bono hours representing survivors of domestic violence. He has also become a leader in the community for providing affordable LGBT competent advocacy. Nick volunteers his time on the LSBA’s LGBT Diversity Subcommittee and as an instructor with the Tulane Center for Aging Studies.

Robyn Griffin’s unique and innovative delivery of legal services to children with disabilities has allowed her to represent more than 200 clients. Her law firm tries to ensure that every child with a mental or physical disability has the financial support and medical care that they need. She uses case management software specifically geared toward providing these types of services, which allows Griffin Law Group (GLG) to handle a high volume of cases. GLG is one of the few, if not only, law firms in Louisiana that focuses solely on providing

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<sup>30</sup> See CDC FAMILY MEDIATION HANDBOOK: CUSTODY AND VISITATION, MANUAL REVISION COMMITTEE 6 (2013), *available at* <http://mediationtrainingcompany.com/wp-content/uploads/2013/05/CDC-FINAL-MEDIATION-MANUAL.pdf> (providing the sliding fee scale to be used by mediators referred by the court).

these services to children. She was recently featured on WWL, a local television station in New Orleans, to discuss GLG and the need for such services in Louisiana.<sup>31</sup>

Lastly, James Graham is one of the only attorneys addressing the dramatic need for medical legal partnerships in Louisiana. According to the National Center for Medical Legal Partnership, one in six people needs legal care to be healthy.<sup>32</sup> The idea is to integrate medical-legal services to address health harming legal needs. Thus far, James has formed medical legal partnerships with more than four health care service providers and has provided extensive low bono and pro bono representation to patients at the clinics.

Additionally, the LIFT Fellows and LPN participants have been actively involved in improving access to justice. They have conducted free legal seminars (some in partnership with other community organizations), staffed legal information booths at major New Orleans events, and, as mentioned, taken on pro bono cases for those who are unable to afford legal representation and do not qualify for free legal services. In addition to attending LSBA trainings, the participants have been actively involved in other LSBA happenings, such as volunteering to sit on subcommittees like the Diversity Committee, which identifies barriers to attaining full and meaningful representation and participation in the legal profession by persons of diverse backgrounds.<sup>33</sup>

## VI. CONCLUSION

There is a great need for low bono and pro bono representation in Louisiana and by helping new attorneys build cost-efficient law practices, LIFT not only helps address a deficit for affordable legal services, but supports the dream of many entrepreneurial-minded lawyers. Providing tools and educational resources to these attorneys early on in their legal career will have (at least we hope) a profound impact on their practice and the community at large.

The strength and success of any program can really only be determined through the experience of the participants, as stated by them. LIFT Fellow Nicholas Hite explained that, “For me, being a LIFT

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<sup>31</sup> Video: Providing children with tools to attack medical conditions, WWLTV.COM, available at <http://www.wwltv.com/videos/news/local/2014/12/21/20740483/> (last visited Apr. 1, 2015).

<sup>32</sup> NATIONAL CENTER FOR MEDICAL LEGAL PARTNERSHIP, <http://medical-legalpartnership.org> (last visited Aug. 15, 2015).

<sup>33</sup> *Diversity Committee*, LOUISIANA STATE BAR ASS’N, <https://www.lsba.org/Diversity/DiversityCommittee.aspx> (last visited Aug. 15, 2015).

Fellow has meant going from zero to sixty in a matter of months. As a Fellow, I've had the support, encouragement, and resources to hang my shingle, acquire clients, and become known as a valuable resource within my community". Similarly Betty Maury says, "I've expanded my network and met other like-minded attorneys – all newly-admitted, all going solo from scratch, and all see the benefit of public interest work. I can ask them for help or offer them help."

We have also received positive feedback from LPN participants. "LPN has given me the basic skills and resources that law school didn't necessarily provide, such as business strategies and the steps needed to form my LLC," says Eric Santana, a New Orleans attorney who formed his law practice with the help of LCJC and LPN.

Jonathan Rhodes, Executive Director of Louisiana Civil Justice Center, explains "the LIFT program and practice network are not only about helping young attorneys gain the resources and experience they need to build a sustainable solo practice; it is about *innovating* and *collaborating* to better serve the needs of our community."

Planning has been a key component of the program and while each incubator's model and design may vary, hopefully this information can serve as a helpful starting point for those in conquest of creating a legal incubator program. We continue to make program changes and improvements all the time as the incubator community expands and our pool of resources increase. The LIFT Program is currently based in New Orleans, however, we are working with the state bar association to offer the program statewide. We are currently in the process of expanding the program to Shreveport and Baton Rouge.

## LEGAL INCUBATOR MODEL IMPLEMENTATION CHECKLIST<sup>34</sup>

### Identify the Need

- Apply the income eligibility guidelines applicable to those who do not qualify for free legal aid in the area and the community your program is intending to serve
- Determine employment rates for recent law grads and new attorneys

### Create an Advisory Board or Committee

- Board should include:
  - Attorneys with successful and innovative solo or small law practices
  - Law Professors, specifically those knowledgeable in incorporating technology into the practice of law
  - Members of non-profit organizations with goals similar to the incubator model
- Set board expectations and goals for:
  - Business development for the participants
  - Building community partnerships and relationships with potential mentors
  - Applying for funding opportunities
  - Obtaining resources for the participants

### Research Other Incubator/Residency Models

- Utilize the ABA Incubator/Residency Profile Directory available at [http://www.americanbar.org/groups/delivery\\_legal\\_services/initiatives\\_awards/program\\_main/program\\_profiles.html](http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main/program_profiles.html)
- Contact Program Directors of legal incubator models that your program will replicate

### Determine budget and what services and resources the program will offer its participants

- Again utilize the ABA Incubator/Residency Profile Directory available at [http://www.americanbar.org/groups/delivery\\_legal\\_services/initiatives\\_awards/program\\_main/program\\_profiles.html](http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main/program_profiles.html)
- Contact vendors that would potentially be interested in offering free or reduced rate products and services to the program participants

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<sup>34</sup> Disclaimer: This checklist may not adequately apply to the design of your program. Although it has worked for the LIFT program there may be items missing from the list that would be useful for the implementation of your program. The intention is to provide a framework for developing other similar legal incubator programs.

*Set Up and Implement the Application Process*

- Determine credential and qualification requirements of applicants
- Set up accessible application process and promote program to potential applicants

*Implement Practice Network in Conjunction with the Incubator Program*

- Decide if program should offer a practice network to those who may qualify to become a participant of the incubator program in the future
- Decide what the network provides participants

*Design a Training Curriculum and Schedule*

- This schedule should be based on the needs of the participants
- LIFT includes a set of program phases which the training curriculum follows:
  - Phase 1: Office Startup
  - Phase 2: Business Development
  - Phase 3: Strategic Planning and Practice Management
  - Phase 4: Transitional Planning

*Schedule Networking and Mentoring Opportunities**Highlight Program Success through Newsletters, Publications, etc.*